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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,261	07/11/2006	Sven Kornfalt	TPP 32008	1815
74217	7590	11/06/2007	EXAMINER	
STEVENS, DAVIS, MILLER & MOSHER, L.L.P. 1615 L STREET, N.W. SUITE 850 WASHINGTON, DC 20036			O HERN, BRENT T	
		ART UNIT	PAPER NUMBER	
		1794		
		MAIL DATE		DELIVERY MODE
		11/06/2007		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/581,261	KORNFALT ET AL.
	Examiner Brent T. O'Hern	Art Unit 1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 July 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 1 JUN 2006
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

***Claim Rejections - 35 USC § 102***

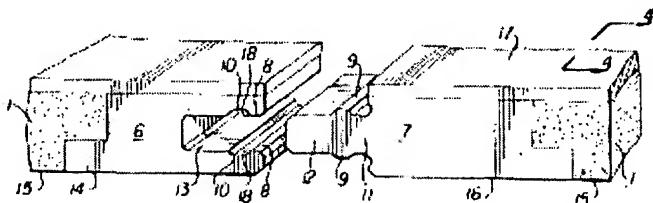
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 7 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Martensson (US 6,397,547).

Regarding claim 1, Martensson ('547) teaches a flooring system comprising a carrying panel with edges (See col. 3, ll. 31-42 and FIG-2, panel #1 with groove #6 and tongue #7.), the edges being provided with means for joining (See FIG-2, groove #10 and snapping web #9 for joining.), the carrying panel further being provided with an upper side and a lower side wherein the flooring system comprises a plurality of panels (See FIG-2, panels #1 and col. 2, ll. 30-63.) where each panel is provided with an upper decorative surface and that the flooring system comprises panels with at least two of the decorative surfaces selected from the group consisting of a thermosetting composite, a thermoplastic composite, and a thermoplastic foil, (See col. 3, ll. 23-30 and FIG-2, #1. Furthermore, the claim does not require the surfaces to be different, thus, there can be two or more of the same type.).



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Regarding claim 2, Martensson ('547) teaches wherein the edges are provided with snap-joining functionality (See FIG-2, groove #10 and snapping web #9.).

Regarding claim 3, Martensson ('547) teaches wherein the edges are provided with pre-applied glue (See col. 2, ll. 43-47 and col. 4, ll. 6-11.).

Regarding claim 7, Martensson ('547) teaches wherein the thermoplastic composite comprises thermoplastic materials selected from the group consisting of polyvinyl chloride, and polyethylene (See col. 3, ll. 23-27.).

Regarding claim 11, Martensson ('547) teaches wherein the thermoplastic foil is selected from the group consisting of polyvinyl chloride, polyethylene and polypropylene (See col. 3, ll. 23-27.).

2. Claims 1, 4-6, 8-9 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Sjolin et al. (US 6,375,777).

Regarding claim 1, Sjolin ('777) teaches a flooring system comprising a carrying panel with edges (See col. 1, ll. 4-58 wherein the panels clearly have edges.), said edges being provided with means for joining (See col. 1, ll. 4-58 wherein the edges are joinable as all edges are.), said carrying panel further being provided with an upper side and a lower side wherein the flooring system comprises a plurality of panels (See col. 1, ll. 4-58 wherein the panels clearly have upper/lower sides and wherein panels are located in the thickness direction and panels are present in each later section.) where each panel is provided with an upper decorative surface and that the flooring system comprises panels with at least two of the decorative surfaces selected from the group consisting of a thermosetting composite, a thermoplastic composite, and elastomeric foil, a thermoplastic foil, a metal sheet, a fabric, a mineral and a mineral composite (See col. 1, ll. 4-58, col. 3,

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*II. 5-14 and col. 4, II. 60-64 wherein the surfaces are decorative. Furthermore, the claim does not require the surfaces to be different.).*

Regarding claim 4, Sjolin ('777) teaches wherein the thermosetting composite comprises cellulose and amino resin (See col. 1, II. 46-58 and col. 4, II. 40-56.).

Regarding claim 5, Sjolin ('777) teaches wherein the amino resin is melamine-formaldehyde resin (See col. 1, II. 48-59, col. 4, II. 27-56 and col. 6, II. 12-31.).

Regarding claim 6, Sjolin ('777) teaches wherein the thermosetting composite further comprises hard particles selected from the group consisting of aluminium oxide, silicon oxide and silicon carbide, the particles having an average particles size in the range 50 nm-150  $\mu\text{m}$  (See col. 4, II. 60-64.).

Regarding claim 8, Sjolin ('777) teaches wherein the thermosetting composite comprises a radiation curing resin (See col. 1, II. 48-59, col. 4, II. 27-56 and col. 6, II. 12-31 *wherein the resin can clearly be cured by radiation.*).).

Regarding claim 9, Sjolin ('777) teaches wherein the thermosetting composite further comprises hard particles selected from the group consisting of aluminium oxide, silicon oxide and silicon carbide, the particles having an average particle size in the range 50 nm-150  $\mu\text{m}$  (See col. 4, II. 60-64.).

Regarding claim 13, Sjolin ('777) teaches wherein the decorative surface is provided with a surface structure (See col. 3, II. 49-57.).

3. Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Sjoberg et al. (WO 02/47906).

Regarding claim 1, Sjoberg ('906) teaches a flooring system comprising a carrying panel with edges (See p. 1, II. 16-25 *floor laminate with edges.*), said edges being

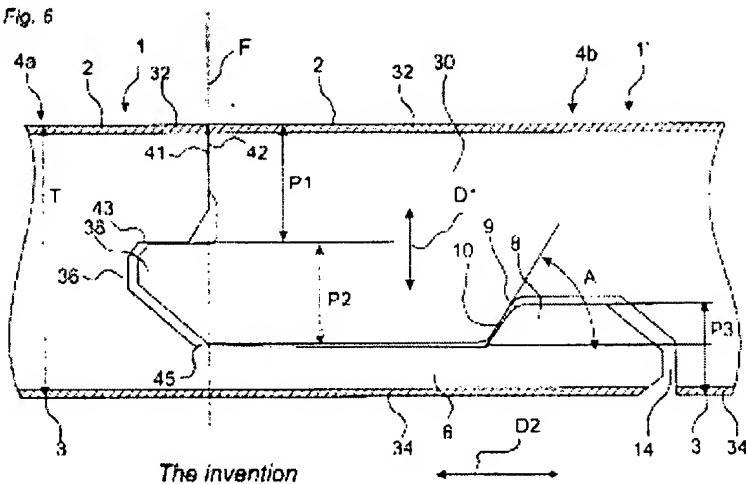
provided with means for joining (See p. 1, ll. 16-25 wherein the panel clearly has edges and all edges can clearly be joined.), the carrying panel further being provided with an upper side and a lower side wherein the flooring system comprises a plurality of panels (See p. 1, ll. 16-25 wherein the plurality of panels have upper/lower sides.), where each panel is provided with an upper decorative surface and that the flooring system comprises panels with at least two of the decorative surfaces selected from the group consisting of a thermoplastic composite and a thermoplastic foil (See p. 2, ll. 15-22. Furthermore, the claim does not require the surfaces to be different, thus, there can be two or more of the same type.).

Regarding claim 10, Sjoberg ('906) teaches wherein the elastomeric foil is thermoplastic elastomers (See p. 2, ll. 15-22.).

4. Claims 1 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Pervan (US 2002/0007609).

Regarding claim 1, Pervan ('609) teaches a flooring system comprising a carrying panel with edges (See para. 62 and FIG-6, panels #1 and #1'), the edges being provided with means for joining (See para. 62 and FIG-6, wherein panels #1 and #1' are joined by tongues #38 and grooves #36.), the carrying panel further being provided with an upper side and a lower side wherein the flooring system comprises a plurality of panels (See para. 62 and FIG-6, panels #1 with upper/lower sides.), where each panel is provided with an upper decorative surface are a metal sheet (See paras. 9 and 62 and FIG-6, panels #1 and #1'. Furthermore, the claim does not require the surfaces to be different, thus, there can be two or more of the same type.).

Fig. 6



Regarding claim 12, Pervan ('609) teaches wherein the metal sheet is aluminium foil (See para. 9.).

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent T. O'Hern whose telephone number is (571) 272-0496. The examiner can normally be reached on Monday -Thursday, 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-0996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*BTH*  
Brent T O'Hern  
Examiner  
Art Unit 1794  
October 29, 2007

*Nasser Ahmad*  
NASSER AHMAD  
PRIMARY EXAMINER 11/5/07